

APPENDIX C – SUBSTITUTE DECISION MAKERS

RCW 70.70.065 Informed consent – Persons authorized to provide for patients who are not competent - Priority

- (1) Informed consent for health care for a patient who is not competent [as defined in RCW 11.88.010 (1) (b)] to consent may be obtained from a person authorized to consent on behalf of such patient. Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent shall be a member of one of the following classes of persons in the following order of priority:
 - (a) The appointed guardian of the patient, if any;
 - (b) The individual, if any, to whom the patient has given durable power of attorney that encompasses the authority to make health care decisions;
 - (c) The patient's spouse;
 - (d) Children of the patient who are at least eighteen years of age;
 - (e) Parents of the patient, and
 - (f) Adult brothers and sisters of the patient.

- (2) If the physician seeking informed consent for the proposed health care of the patient who is not competent to consent makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in order of descending priority. However, no person under this section may provide informed consent to health care:
 - (a) If a person of higher priority under this section has refused to give such authorization; or
 - (b) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.